

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ MAY 30 2006 ★

H Katz

Plaintiff,

-against-

Joe R. MOGUS  
All That Glitter Inc.  
Defendant(s).

NOTICE OF MOTION BROOKLYN OFFICE

06 CV 574 (ABC)

[docket number] [judge's initials]

X 06 CV 574 DL Im2907

PLEASE TAKE NOTICE that upon the annexed affidavit or  
affirmation Joe R. Mogus sworn to or affirmed

May 27, 2006 and upon the complaint herein,  
plaintiff will move this Court, Honorable Don Loretto Ingraham  
(Judge's name) U.S.D.J.,

in room      United States Courthouse, Brooklyn, New York, 11201,

on the 27th day of May, 2006, at (time) or as

soon thereafter as counsel can be heard, for an order pursuant to

Rule      of the Federal Rules of Civil Procedure granting  
by motion for dismissal of case against Joe R  
Mogus made by Howard Katz

Dated: MORGAN West VIRGINIA  
county New York

[date] May 27/2006

Joe R. Mogus  
Joe R. Mogus

PLAINTIFF PRO SE

Mailing  
Address →

PO Box 602  
Cross Junction  
Virginia 22625

Home Address  
125 Ruff Grove Road  
Berkeley Springs  
West Virginia 25411  
304-258-4247

MAY 30 2006

PRO SE OFFICE

**AFFIDAVIT/AFFIRMATION  
IN SUPPORT OF MOTION**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

H Katz

AFFIDAVIT/AFFIRMATION

-against-

Joe R Mogus  
All That Glitter Inc

06CV574  
CV ( )

West Virginia  
STATE OF ~~NEW YORK~~  
COUNTY OF Morgan

Joe Mogus

[BEING DULY SWORN] deposes

and says [or: makes the following affirmation under the penalties  
of perjury]

I Joe R Mogus, am the <sup>Pro Se</sup>  
<sup>Defendant</sup> plaintiff in the above-

entitled action, and respectfully move this Court to issue an  
order to dismiss the above case against Joe R Mogus

The reason why I am entitled to the relief I seek is the  
following: Please note exhibits - Mr Katz is a  
mature man and businessman and is fully  
aware of the legal implications of dealing with  
an incorporated business - which is just what he

(You may use additional 8 1/2 x 11 paper if needed)

## Page II Affirmation

knowingly did for 20 years. In 20 years of billing Mr Katz sent perhaps a thousand billing invoices (please note exhibit), to my knowledge he never once billed me. Joe R. Mogus personally the bill was to All That Glitter Inc commensurately the payments received by Katz (again note exhibit) were from the incorporated business All That Glitters Inc.

Mr Katz never asked me, Joe Mogus to sign any waiver or such he never asked me to take personal responsibility yet now he tries to hold me responsible, personally.

Conversely a gentleman, years ago that I did business with would only do business if I did sign such an agreement, that of accepting personal responsibility - Katz however, never did the same, yet he brings suit against me personally as if I had. No this he, Katz knows is not acceptable as many times we discussed what it meant to be incorporated. He knew.

Please note all exhibits All That Glitters Inc. since 1980, filed a corporate return, paid its President Joe R. Mogus a salary. Howard Katz did business knowingly for 20 years with an incorporated business not an individual. Katz's issue is with a separate legal identity, entity not a person, Joe Mogus.

Sincerely  
Thank You

Joe R. Mogus  
Berkeley Springs  
West Virginia  
25411

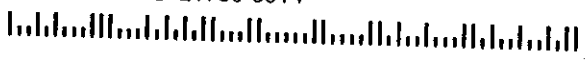




**allfirst**

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ALL THAT GLITTERS INC  
PO BOX 314  
HANCOCK MD 21750-0314



# Advanced Business Checking

October 1, 1999 thru October 31, 1999 Page 1 of 6

WHEREFORE, I respectfully request that the court grant the within motion, as well as such other and further relief that may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

May 27/2006  
(Date)

Joe R Moya  
Your Signature

Print your name

Joe R Moya

*All That Glitters, Inc.*

Since 1979

P.O. Box 585 • Pasadena, MD 21122  
WHOLESALE & RETAIL JEWELRY  
(301) 360-2484